

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

RINGGOLD TIMBER COMPANY, INC.

PLAINTIFF

vs.

Civil Action No. 3:02-cv-135 WS

CAPITAL CITY INSURANCE COMPANY, INC.

DEFENDANT

ORDER

Before the court are the following motions: motion for partial summary judgment [docket # 16] filed by Ringgold Timber Company, Inc.; motion for review [docket # 41] filed by Ringgold Timber Company, Inc.; and motion to strike designation of experts [docket # 46] filed by defendant Capital City Insurance Company.

In its motion for partial summary judgment, Ringgold asks this court pursuant to the principles of *res judicata* to adopt the State Court of Appeals' finding in *Capital City Insurance Company v. Ringgold Timber Company*, 2001-CA-01354-COA, wherein that court found that coverage existed between Ringgold and Capital City. So persuaded, this court grants partial summary judgment on that basis.

The court affirms the Magistrate Judge and denies the challenge by Ringgold submitted in its motion for review of the Magistrate Judge's order. Ringgold is to resubmit a motion to compel which narrowly identifies the areas for inquiry, then confer with counsel opposite to see if a true issue exists.

Capital City's motion to strike designation of experts is denied. Capital City shall have twenty (20) days to designate its experts.

The court sets oral argument, if needed, on dispositive motions for February 9, 2006, at 4:00 o'clock p.m.

SO ORDERED, this the 7th day of December, 2005.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

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